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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,706	01/28/2002	David S. Breed	ATI-291	7750

22846 7590 02/02/2004
BRIAN ROFFE, ESQ
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VALLEY STREAM, NY 11580-6170

EXAMINER

TO, TOAN C

ART UNIT PAPER NUMBER

3616

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,706

Applicant(s)

BREED ET AL.

Examiner

Toan C To

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species 1, claims 1-24 in Paper No. 5 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitation "biometric feature of the vehicle occupant as the occupant characteristic, the at least one biometric feature being selected from a group consisting of a voice print, a hand print, a finger print, an iris scan and facial feature" as recited in claims 6, and 22 render the claims indefinite for being unclear, because it appears that "means for transmitting" and "means for detecting" as recited in independent claims are used to determine occupants characteristic such as occupant location, size, and type but not to determine one of the occupant characteristic such as "voice print, a hand

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print, a finger print, or iris scan and facial feature" as recited in dependent claims, therefore, it is not ^{known how} ~~known how~~ one of the occupant characteristics such as "voice print, a hand print, a finger print, or iris scan and facial feature" is determined.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Cooper et al (U.S. 6,199,902)

Cooper et al discloses a sensor system for sensing at least one occupant characteristic of a vehicle occupant, comprising: means for transmitting (42A-C) an electromagnetic energy signal toward an occupant location within a vehicle; means for detecting (60) whether absorption of the energy signal by a vehicle occupant occurs and for providing an absorption signal indicative thereof; and means for processing (50) the absorption signal to determine at least one occupant characteristic.

As to claims 2 and 16, Cooper et al discloses a sensor system, wherein means for transmitting (42A-C) includes means for transmitting electromagnetic energy signal toward the occupant location, and means for detecting (60) includes means for detecting absorption of the energy signal.

As to claims 3 and 17, Cooper et al discloses a sensor system, wherein means for processing (50) includes means for determining if a vehicle occupant is present as the occupant characteristic.

As to claims 4 and 18, Cooper et al discloses a sensor system, wherein said means for processing (50) includes means for determining a size of a vehicle occupant as the occupant characteristic (column 7, lines 50-65).

As to claims 5, 7-8, and 19-21, Cooper et al discloses a sensor system, wherein said means for processing (50) includes means for determining location of a vehicle occupant with respect to the vehicle as the occupant characteristic (column 7, lines 50-65).

As to claim 9, Cooper et al discloses, wherein means for transmitting (42A-C) and means for detecting (60) are arranged on a common side of the vehicle occupant location.

As to claim 10, Cooper et al discloses, wherein means for transmitting (42A-C) is a first means for transmitting and the energy signal (44) is a first energy signal, system including a plurality of means for transmitting, each for transmitting an energy signal toward the occupant location, means for detecting (60) includes means for detecting whether absorption of each energy signal by a vehicle occupant occurs and for providing signals indicative thereof.

As to claim 11, Cooper et al discloses, wherein one of plurality of means for transmitting (42A-C) is mounted within a headliner of the vehicle, and another of said plurality of means for transmitting is mounted within an instrument panel of the vehicle.

As to claim 12, Cooper et al discloses, wherein one of a plurality of means for detecting is mounted within a door of the vehicle.

As to claim 13, Cooper et al discloses, wherein means for transmitting (42A-C) is mounted within a portion of the vehicle other than a headliner, and means for detecting (60A-C) is mounted with a portion of the vehicle other than a seat of the vehicle.

As to claim 14, Cooper et al discloses, wherein means for processing (50) includes means for providing a signal indicative of the at least one occupant characteristic for use within an occupant protection system (28).

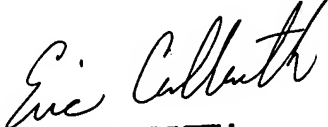
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C To whose telephone number is (703) 306-5951. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1113.

T To
January 22, 2004


ERIC CULBRETH
PRIMARY EXAMINER

1/26/04